

# **LIMITED ENGLISH PROFICIENT STUDENTS: GUIDELINES FOR TESTING IN THE VIRGINIA STATE ASSESSMENT PROGRAM (NORM-REFERENCED TESTING)**

This document provides information about testing limited English proficiency (LEP) students on the norm-referenced tests which comprise the Virginia State Assessment Program (VSAP). Included in this document are 1) guidelines for determining in what ways LEP students should participate in the VSAP, 2) procedures for providing testing accommodations for LEP students, 3) procedures for exempting LEP students from testing, 4) documentation requirements, and 5) reporting considerations.

## **I. Who Should Be Tested in the VSAP**

It is expected that all students who are in grades 4, 6, and 9 in the Commonwealth of Virginia are to be tested in VSAP. This expectation includes LEP students at these grade levels unless participation in VSAP is clearly not in the best interest of the student. Determination as to how LEP students will participate in VSAP should be made according to the guidelines found in **Section V Procedures for Determining LEP Students' Participation in VSAP**.

## **II. Background**

The tests which comprise the VSAP are norm-referenced tests (NRTs). The scores which result from norm-referenced tests compare the student's performance with scores of students in the same grade from across the nation. These comparisons are made possible through the creation of norms for the test. Norming involves giving the test in exactly the same way (standardized conditions) to a sample of students who are chosen to be representative of students from across the nation. The scores of students who take the test after it has been normed can then be compared to the scores of students in the norming group. Such a comparison provides a means of determining how local student achievement compares to the achievement of students across the country. Because LEP students, as an identified group, were not included in the norming sample, LEP students' scores will compare their achievement to that of students in the same grade whose primary language was English.

To ensure the most valid comparison of a student's performance with that of the students across the nation, students must take the test under the same standardized conditions used to test students in the norming sample. For example, the same directions must be used each time students are tested and the time limits for each test must be exactly the same.

## **III. Definition of LEP**

Public Law 103-382 (Improving America's Schools Act, Title VII, Part E, Section 7501 (8)) defines an LEP student as one who:

- A. i) was not born in the United States or whose native language is a language other than English and comes from an environment where a language other than English is dominant; or

ii) is a Native American or Alaska Native who is a native resident of the outlying areas and comes from an environment where a language other than English has had a significant impact on such individual's level of English language proficiency; or

iii) is migratory and whose native language is other than English and comes from an environment where a language other than English is dominant; and

B. has sufficient difficulty speaking, reading, writing, or understanding the English language and whose difficulties may deny such individual the opportunity to learn successfully in classrooms where the language of instruction is English or to participate fully in our society.

#### **IV. Reason for Inclusion of LEP Students in the VSAP**

The U.S. Department of Education, Office for Civil Rights has outlined the procedures listed below for school districts to comply with the U. S. Civil Rights Act of 1964, Title VI and other supreme and federal court case decisions regarding the rights of limited English proficient students:

“The following procedures should be used by school districts to ensure that their programs are serving limited English proficient (LEP) students effectively:

- identifying students who need assistance;
- developing a program which, in the view of professional educators, has a reasonable chance for success;
- ensuring that the needed staff, curricular materials, and facilities are in place and used properly; developing appropriate evaluative standards for measuring the progress of students, including program exit criteria; and continued program assessment and modification where needed.”

-The Provision of an Equal Education Opportunity to Limited English Proficient Students, U. S. Department of Education, Office for Civil Rights, 1992.

Reinforcing the legal obligations to LEP students, Administrative Superintendent's Memorandum No. 65, September 27, 1996, states:

Legal precedents clearly call for local school divisions to accommodate students whose native language is other than English in a manner whereby they can profit from educational opportunities afforded them. Programs for students identified as limited English proficient (LEP) should include a means of identification, assessment and placement in an appropriate education program.

Questions about the obligations of school divisions to LEP students should be directed to the Foreign Language/ESL Specialist, Office of Secondary Education, Virginia Department of Education at (804) 225-2593.

#### **V. Procedures for Determining LEP Students' Participation in VSAP**

It is recommended that a committee which includes 1) a person responsible for the education of LEP students in the school or school division, 2) the student's content teacher(s), and 3) an administrator or designee (e.g., guidance counselor or reading specialist) be formed to determine how the LEP student will participate in the VSAP and which, if any, accommodations are required.

The student's parent or guardian should also serve on the committee, if possible. For each student the committee must decide which of the following is appropriate for each subtest:

- testing with no accommodations
- testing with accommodations which maintain standard conditions
- testing with accommodations which are permissible but do not maintain standard conditions
- exemption from testing

Decisions about how an LEP student will be tested on the norm-referenced tests which comprise the VSAP should be made for each individual subtest. Students may take one or more subtests depending on the decision of the committee. Consideration should be given to the student's level of English proficiency, the level of previous schooling in the home language, and the amount of schooling the student has received in the United States. Questions about how to determine the English proficiency of LEP students should be directed to the Foreign Language/ESL Specialist, Office of Secondary Education, Virginia Department of Education at (804) 225-2593.

In determining how the student is to be tested on each of the subtests which comprise the norm-referenced test, the committee should consider the following questions:

- 1) Is the student's level of proficiency in English sufficient for the student to attempt the subtest? In making this decision the student's proficiency in both oral and written English should be considered. Information on the student's English language proficiency may be derived from school division assessments designed to determine English language proficiency, reading inventories, writing samples, teacher observations, and teacher-made tests.
  - If "YES", the committee should consider question 2 in determining the student's need for testing accommodations.
  - If "NO", the student should not be tested on this subtest. See **Section VII, Exempting LEP Students from the VSAP**, for a description of the procedures to be followed in exempting LEP students from the VSAP.
- 2) Does the student typically receive accommodations such as those listed in **Section VI, Selection of Testing Accommodations for LEP Students**, during instruction or during classroom assessments in the content covered by the subtest?
  - If "YES", the committee should consider the following section entitled **Selection of Testing Accommodations** in determining the student's need for testing accommodations on the subtest.
  - If "NO", the student should take the subtest without any accommodations.

If an LEP student is also identified as having a disability under the Individuals with Disabilities Act (IDEA) or is identified as an otherwise "qualified handicapped" student under Section 504 of the Rehabilitation Act of 1973, then decisions about the student's participation in VSAP must be made by the IEP or 504 committee and be documented in the student's IEP or management tool. See the document entitled Students with Disabilities: Guidelines for Testing in the Virginia State Assessment Program (VSAP) for more information.

## VI. Selection of Testing Accommodations for LEP Students

Accommodations for the VSAP tests should be selected from those the LEP student uses routinely in classroom instruction and assessment. **The purpose of accommodations is to ensure, insofar as possible, that LEP students receive accommodations on the VSAP tests which allow them equal opportunity to demonstrate their achievement; however, students should not be provided with unnecessary or inappropriate accommodations.** Furthermore, use of an unfamiliar accommodation during testing may have a negative impact on the student's performance. Students must take the test in English; translations of the test into a different language are not permitted.

### A. Accommodations Which Maintain Standard Conditions

As noted above, NRTs will yield the most valid scores if the student takes the tests under standard conditions. Thus, if accommodations are required, those which do maintain standard conditions, are preferable. Accommodations may be of the following types: 1) timing/scheduling, 2) setting, and 3) presentation. Examples of accommodations which may be used while maintaining standardized conditions include:

#### Timing/Scheduling

- time of day
- student takes only one or two subtests a day (requires individual or small group testing)
- longer breaks between subtests (requires individual or small group testing)
- multiple test sessions (a subtest must be completed in one session)
- flexible schedule (order of tests)

#### Setting

- preferential seating (at the front of the room or in a study carrel)
- small group testing
- individual testing
- in a location with minimal distractions

#### Presentation

- simplify oral directions
- masks or markers to maintain place

NOTE: Questions about whether accommodations not listed in this document are allowable and whether they result in a standard or nonstandard administration of the test should be directed to the Division Director of Testing who may consult with Department of Education staff as necessary.

### B. Accommodations Which Do Not Maintain Standard Conditions

**Accommodations which do not maintain standard conditions** should be used only if the committee agrees that testing the student under standard conditions would not yield scores which are an accurate representation of the student's achievement. Scores resulting from a nonstandard

administration of a norm-referenced test must be interpreted with caution. Such scores can provide an indication of a student's strengths and weaknesses, but they do not provide an accurate indication of how well the student performed in comparison to students in the norming sample. Examples of accommodations which result in a nonstandard administration of the test include:

- extended time
- breaks during a subtest
- reading of test items on subtests, **other than reading**, in English
- use of a bilingual dictionary
- reading the embedded written directions in English to the student

NOTE: Questions about whether accommodations not listed in this document are allowable and whether they result in a standard or nonstandard administration of the test should be directed to the Division Director of Testing who may consult with Department of Education staff as necessary.

## **VII. Exempting LEP Students From the VSAP**

In some cases the committee may decide that participating in the VSAP, even with accommodations, is inappropriate for the student. For example, the student's level of English proficiency may be inadequate to attempt any of the subtests even with accommodations. The committee shall review the decision to exempt the student from VSAP as the student enters the grades included in VSAP. In making decisions related to the exemption of students from VSAP testing, school division personnel should remember that the exemption of students will reduce the percentage of students being tested. Participation rates are reported for each school division on the VSAP state report. The exemption of a student from a subtest used in computing the composite for a test will result in no composite being reported for the student.

## **VIII. Documentation of Decisions**

Decisions addressing how the student will participate in VSAP should be documented in writing and filed in the student's scholastic record. A sample form is provided on page 8 of this document. School divisions may use this form or one of their own choosing. If the student's parent or legal guardian is not a member of the committee making the decision about the student's participation, the parent or legal guardian should be notified of the committee's decision regarding the student's participation in VSAP prior to VSAP testing.

Participation decisions may be one of the following:

- testing with no accommodations
- testing with accommodations which maintain standard conditions
- testing with accommodations which result in a nonstandard administration
- exemption from testing

A decision to exempt the student from testing must be accompanied by the reasons for the exemption.

## IX. Reporting Considerations

Below is a chart which summarizes the impact on individual student scores and on school/division averages for LEP students who are 1) tested without accommodations, 2) tested with accommodations which maintain standard conditions (standard accommodations), 3) tested with accommodations which do not maintain standard conditions (nonstandard accommodations), and 4) exempted from testing in the VSAP.

Testing Situation	Individual Scores	School/Division Summaries
Without Accommodations	Individual student scores reported <sup>1</sup>	Scores included in school/division averages <sup>1</sup>
With “Standard” Accommodations	Individual student scores reported <sup>1</sup>	Scores included in school/division averages <sup>1</sup>
With “Nonstandard” Accommodations	Individual student scores reported. Record of scores accompanied by notation explaining that scores resulted from nonstandard administration <sup>2</sup>	Scores not included in school/division averages; instead summaries report number of LEP students who took the test under nonstandard conditions
Exempted from Testing	Identified as “not tested” on VSAP answer document; no scores reported	Reported as “not tested” in “Summary of Students Not Tested”

<sup>1</sup>The scores of LEP students taking norm-referenced tests under standard conditions may be depressed since LEP students were not included as an identified group in the sample of students on which the tests were normed.

<sup>2</sup>As noted above, scores which result from a nonstandard administration of a norm-referenced test must be interpreted with caution. Such scores can provide an indication of a student’s strengths and weaknesses, but they do not provide an accurate indication of how well the student performed in comparison to students in the norming sample. For example, suppose that a student uses a bilingual dictionary on the norm-referenced test (a nonstandard accommodation) and receives national percentile ranks of 75 on the math subtest and 53 on the reading subtest. It is appropriate to interpret these scores as indicating greater achievement in math than in reading on the norm-referenced test. However, because the student was not tested under the same conditions as the students in the norming sample, it is not appropriate to say that this student scored as well or better on the math subtest than 75% of the students in the norming sample or that this student scored as well or better than 53% of the students in the norming sample.

**SAMPLE FORM FOR USE IN DOCUMENTING  
LEP STUDENTS' PARTICIPATION IN THE VIRGINIA STATE ASSESSMENT  
PROGRAM (VSAP)**

Student Name: \_\_\_\_\_

Grade: \_\_\_\_\_

School: \_\_\_\_\_

Note below the decisions of the committee convened to determine the appropriate level of participation for the above mentioned student in the VSAP.

Stanford 9 TA Subtests	Tested with NO Accommodation	Tested with Standard Accommodation(s)	Tested with Non-Standard Accommodation(s)	Exempted from Testing
Reading				
Mathematics				
Language				
Social Science (local option)				
Science (local option)				

Committee Members' Signature:

\_\_\_\_\_

Signature

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Date

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Signature

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Date

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